

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERSONALIZED MEDIA
COMMUNICATIONS, LLC

v.

ZYNGA INC.

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Case No. 2:12-CV-68-JRG-RSP

**DEFENDANT ZYNGA INC.'S NOTICE OF ELECTION PURSUANT TO THE COURT'S
RULING AT THE NOVEMBER 4, 2013 PRETRIAL CONFERENCE**

Pursuant to the Court's ruling during the November 4, 2013, pretrial conference, Defendant Zynga Inc. respectfully submits this notice of election with respect to PMC's proffered license agreement exhibits (PX 151, 152, 153, 157, and 372) and Zynga's proffered exhibits relating to PMC's license negotiations (DX 8, 28, 34, 86, 185, 186, 1087, 1089, and 1093). In view of the Court's election requirement, Zynga elects to use DX 8, 28, 34, 86, 185, 186, 1087, 1089, and 1093 at the jury trial.

Given that Zynga stands on its objections to the proffered license agreement exhibits (PX 151, 152, 153, 157, and 372), Zynga respectfully requests that the Court rule on Zynga's objections and admit Zynga's proffered exhibits relating to PMC's license negotiations (DX 8, 28, 34, 86, 185, 186, 1087, 1089, and 1093). To the extent the Court's ruling at the November 4, 2013, hearing requires Zynga to withdraw its objections to PMC's license agreement exhibits (PX 151, 152, 153, 157, and 372), Zynga objects to that requirement. If, however, that is in fact the Court's requirement, then Zynga elects to use DX 8, 28, 34, 86, 185, 186, 1087, 1089, and 1093 at the jury trial.

Dated: November 6, 2013

Respectfully submitted,

/s/ Steven M. Zager

Steven M. Zager (Lead Attorney)
Texas State Bar No. 22241500
szager@akingump.com
Akin Gump Strauss Hauer & Feld LLP
One Bryant Park
New York, New York 10036
Telephone: 212.872.1000
Facsimile: 212.872.1002

Fred I. Williams
Texas State Bar No. 00794855
fwilliams@akingump.com
Akin Gump Strauss Hauer & Feld LLP
300 West Sixth Street, Suite 1900
Austin, Texas 78701
Telephone: (512) 499-6200
Facsimile: (512) 499-6290

Todd Eric Landis
Texas State Bar No. 24030226
tlandis@akingump.com
Akin Gump Strauss Hauer & Feld LLP
1700 Pacific Avenue, Suite 4100
Dallas, Texas 75201
Telephone: 214.969.2743
Facsimile: 214.969.4343

Greg L. Lippetz
California State Bar No. 154228
glippetz@jonesday.com
Jones Day
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: (650) 739-3939
Facsimile: (650) 739-3900

Krista S. Schwartz
Illinois Bar No. 6238053
ksschwartz@jonesday.com
Jones Day
77 W. Wacker Drive
Suite 3500
Chicago, IL 60601

Telephone: (312) 782-3939
Facsimile: (312) 782-8585

Melissa R. Smith
Texas State Bar No. 24001351
Melissa@gillamsmithlaw.com
Gillam & Smith
303 S. Washington Avenue
Marshall, TX 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

**ATTORNEYS FOR DEFENDANT
ZYNGA INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 6th day of November, 2013, with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3).

/s/ Steven M. Zager

Steven M. Zager